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United Nations

Report of the Committee on Relations with the Host Country

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Chapter I
Introduction

1. The Committee on Relations with the Host Country was established pursuant to General Assembly resolution 2819 (XXVI). The Assembly, by its resolution 72/124, decided to include in the provisional agenda of its seventy-third session the item entitled "Report of the Committee on Relations with the Host Country". The present report is submitted pursuant to resolution 72/124.

2. The report consists of four chapters. The recommendations and conclusions of the Committee are contained in chapter IV.

Chapter II
Membership, composition, terms of reference and organization of the work of the Committee

3. The Committee is composed of 19 members, as follows:

Bulgaria	Iraq
Canada	Libya
China	Malaysia
Costa Rica	Mali
Côte d'Ivoire	Russian Federation
Cuba	Senegal
Cyprus	Spain
France	United Kingdom of Great Britain and Northern Ireland
Honduras	
Hungary	United States of America

4. The Bureau of the Committee consists of the Chair, the three Vice-Chairs, the Rapporteur and a representative of the host country who attends Bureau meetings ex officio. During the reporting period, the Bureau was composed as follows:

Chair:
Kornelios **Korneliou** (Cyprus)

Vice-Chairs:
Krassimira **Beshkova** (Bulgaria)
Catherine **Boucher** (Canada)
Koffi Narcisse **Date** (Côte d'Ivoire)

Rapporteur:
Shara **Duncan Villalobos** (Costa Rica)

5. The terms of reference of the Committee were determined by the General Assembly in its resolution 2819 (XXVI). In May 1992, the Committee adopted, and in March 1994 slightly modified, a detailed list of topics for its consideration, which is set out in annex I to the present report. No documents were issued by the Committee during the reporting period.

6. During the reporting period, the Committee held the following meetings: the 286th meeting, on 17 January 2018; the 287th meeting, on 11 April 2018; the 288th meeting, on 12 July 2018; the 289th meeting, on 1 October 2018; and the 290th meeting, on 22 October 2018.

7. At the 289th meeting, on 1 October 2018, the Committee was informed of the departure of Vice-Chair Koffi Narcisse Date (Côte d'Ivoire). The Permanent Mission of Côte d'Ivoire will inform the Committee of a proposed replacement at a later date.

Chapter III
Topics dealt with by the Committee

A. Consideration of and recommendations on issues arising in connection with the implementation of the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations, and question of privileges and immunities: Convention on the Privileges and Immunities of the United Nations and other relevant instruments

8. At the 286th meeting, the representative of the Russian Federation referred to the situation concerning a portion of his Mission's premises located in Upper Brookville. He informed the Committee that, since its last meeting and the adoption of its report, in particular the report's recommendations and conclusions, and General Assembly resolution 72/124, the situation had still not been resolved. He said that the property of the Russian Federation in fact had been seized by the host country authorities. The representative added that Mission staff were still being refused access to the property without explanation. He stated that more than 30 requests for authorization to enter the premises had been rejected by the United States Department of State. He stated that the situation, which had been ongoing for more than a year, was a violation by the host country of its obligations under international law to the Russian Federation as a Member State and the United Nations. His delegation was generally satisfied with the way that the Committee and General Assembly had responded to confirm that it was unacceptable for the host country to abuse its position in such a manner. He expected the Chair of the Committee and the Secretary-General to remain seized of issues concerning the implementation of the decisions and the resolutions of the Committee and the General Assembly concerning the premises of the Permanent Mission of the Russian Federation until the host country ceases to violate international law and lifts the restrictions on his Mission's premises.

9. The representative of Cuba reiterated that, considering the importance of diplomatic properties for the effective functioning of the permanent missions to the United Nations, any limitations on diplomatic immunities of properties and diplomatic officials should be rejected. Her delegation reiterated that the host country should take all measures to fulfil its international obligations under the Vienna Convention on Diplomatic Relations and the Headquarters Agreement and that any differences should be resolved through dialogue.

10. The representative of the Islamic Republic of Iran indicated that, if the host country properly implemented its obligations under the Headquarters Agreement and abided by General Assembly resolution 72/124, most of the issues raised in the Committee would be settled. He emphasized the fundamental nature of the rule of inviolability of diplomatic missions under international diplomatic law and that the Committee should call upon the host country to implement its obligations. His delegation believed that the Secretary-General, as custodian of the Headquarters Agreement, had a responsibility to ensure that the Agreement was strictly observed by the host country.

11. The representative of China stated that his delegation maintained its position on the issue of the premises of the Permanent Mission of the Russian Federation. He hoped that the recommendations of the Committee would be conducive to resolving the issue properly.

12. The representative of the Syrian Arab Republic reiterated his delegation's support for the position of the Russian Federation on its Upper Brookville premises.

While his delegation supported bilateral discussions, it did not want to see another year pass without a solution.

13. The representative of the Democratic People's Republic of Korea also reiterated his delegation's support for the position of the Russian Federation on its Upper Brookville premises. His delegation requested the host country to resolve the matter in line with the provisions of the Headquarters Agreement and the Vienna Convention on Diplomatic Relations.

14. The representative of the host country stated that the host country considered its actions regarding the property of the Russian Federation to be legal and was continuing to work bilaterally with the Russian Federation on that issue.

15. The Chair indicated that the Committee would remain seized of the matter pertaining to the premises of the Permanent Mission of the Russian Federation and anticipated that the issue would be duly addressed in a spirit of cooperation and in accordance with international law. He also repeated his encouragement to the two delegations concerned to continue to engage bilaterally on that issue and avail themselves of the assistance of the Chair as they see appropriate.

16. At its 288th meeting, the representative of the Russian Federation stated that the Committee regularly analysed the host country's fulfilment of its international legal obligations with respect to the United Nations, including the Secretariat and the permanent missions of Member States, and adopted concrete recommendations in that regard. She further noted that, based on those recommendations, General Assembly resolutions were adopted, including Assembly resolution 72/124. She noted that the host country usually joined the consensus and acknowledged that the judgment of the Committee and the General Assembly was fair and just. She stated that the host country authorities, however, continued to illegally hold the Mission's valuable Upper Brookville premises, which was occupied by persons unknown. She stated that her Mission has been prohibited from accessing its property under the pretext that the Russian Federation had allegedly facilitated the election of the current President of the United States. She stated that until the Mission's unhindered use of that property was restored, the host country would bear full responsibility for preserving all the immovable and movable property located thereon, including for any possible damage that may be done due to the lack of necessary maintenance.

17. The representative of the host country stated that the host country had the legal authority to take possession of the Upper Brookville property. His Government did not view the property as the premises of the Permanent Mission of the Russian Federation, and it was therefore proper for the matter to be settled bilaterally.

18. The representative of the Russian Federation stated that she wished to seek clarification from the representative of the host country about his response to her statement. She requested the host country representative to identify which legislation provided the host country with the legal authority to seize or confiscate the property of a foreign State.

19. The representative of the host country stated that that issue had been raised at every meeting of the Committee for more than a year. He noted that initially, both the host country and Russian representatives had read long statements, and the host country had gone into detail as to its views about the property and the legal basis for the action that was taken. He therefore wished to refer to the host country's statements made at those previous meetings.

20. The representative of Cuba expressed concerned at the host country's continued failure to comply with its international law obligations as the host for the Headquarters of the United Nations. She reiterated her Government's call for dialogue and respect for international law, in order to make a decisive contribution to the

development of the diplomatic relations of the countries accredited to the United Nations, within a framework of security and strict compliance with the provisions of the Vienna Convention on Diplomatic Relations and the Headquarters Agreement. She indicated that there was no justification for the host country to continue to fail to take concrete steps towards the elimination of measures that hindered and hampered the work of staff of various missions, such as the restriction of free movement.

21. At the 289th meeting, the representative of the Russian Federation recalled the ongoing situation with respect to the Upper Brookville premises of his Mission and the continued refusal by the host country to allow the Russian Federation access to it. He asserted that the recommendation of the Committee, as well as the provisions of paragraph 3 of Assembly resolution 72/124, had failed to prompt the host country to comply with its international legal obligations. The representative stated that, with respect to the Committee's recommendations and conclusions for 2018, given the increasingly flagrant violations by the host country of its international obligations, the Committee should include an urgent call for the host country authorities to implement the Committee's recommendations and General Assembly resolution 72/124 by lifting all restrictions on the Russian diplomatic property in Upper Brookville. He stated that the Committee should confirm that it is unacceptable for the host country to continue to impose restrictions on permanent missions based on the state of its bilateral relations. The representative also suggested that the findings of the Committee, the resolutions adopted based on its work and the mediation role of the Secretary-General be strengthened. He stated that the first step in that process could be a review of the host country's non-compliance with its international legal obligations to the United Nations.

22. The representative for Cuba called for dialogue, respect for international law and diplomatic relations, pursuant to the Vienna Convention on Diplomatic Relations and the Headquarters Agreement, and compliance with the Committee's recommendations. She noted that the host country should not apply measures that would make it difficult for permanent missions to carry out their work and that the host country should fulfil its obligations with transparency, without discrimination and with respect for the sovereignty of all Member States.

23. The representative of China stated that, according to the Headquarters Agreement, the Vienna Convention on Diplomatic Relations and international laws on privileges and immunities, the premises belonging to a permanent mission enjoy inviolability, which should be upheld. He hoped that the States would strengthen communications in order to resolve the issue.

24. The representative of the Islamic Republic of Iran emphasized that the Headquarters Agreement is a politically neutral agreement that had set aside the principle of reciprocity to ensure the proper functioning of the United Nations and respect for the sovereignty of States, and to prevent any discrimination. He stated that the host country continued to carry out its actions through the lens of reciprocity. For example, the expulsion of Russian diplomats, the issue with the Russian diplomatic property, restrictions on travel and the issuance of entry visas, had been carried out on the basis of political considerations. The issue of linking politics and bilateral affairs with the implementation of the Headquarters Agreement had been addressed by the General Assembly in its resolution 72/124, in which it noted that the privileges and immunities of diplomats and diplomatic missions could not be subject to any restrictions arising from the bilateral relations of the host country. He stated that the Secretary-General, as custodian of the Headquarters Agreement, had the responsibility to ensure compliance with the Headquarters Agreement. He suggested that the Secretary-General bring the issue of the implementation of the Headquarters Agreement to the attention of the General Assembly, and that the Committee also make a recommendation to the General Assembly in that regard.

25. The representative of the host country referred to his delegation's previous statements on the matter and stated that those views had not changed.

26. The Chair urged both sides to continue their discussions to resolve the issue.

27. At its 286th meeting, the representative of the Democratic People's Republic of Korea recalled the provisions of Articles 1.2 and 2.1 of the Charter of the United Nations and informed the Committee that, in December 2017, the host country had issued tax exemption cards to members of his Mission indicating "North Korea" instead of "Democratic People's Republic of Korea". Despite his delegation's request for the cards to be corrected and the initial response of the host country pointing to a glitch in the system, the host country had informed his Mission that the conventional short abbreviation for his country was North Korea and that the cards would remain unchanged. His delegation had emphasized the importance of using their country's official name as registered with the United Nations, as it is linked to their country's dignity and sovereignty. His Mission had also requested the host country to provide an official communication clarifying its new policy to indicate the name of all Member States using short geographical terms instead of their formal official names. However, no response was received. His delegation condemned that hostile policy against the Democratic People's Republic of Korea and requested the host country to apologize for that behaviour and to correct the error without delay. He further called upon the Committee to seriously consider the issue and to take all appropriate and necessary measures to correct the problem.

28. The representative of the host country requested the representative of the Democratic People's Republic of Korea to send an official communication to his Mission and assured that his delegation would do its best to resolve what he believed to be a technical issue. He further indicated that, in the meantime, the cards as issued should still serve their purpose.

29. The representative of the Russian Federation stated that his delegation hoped that the issue was truly the result of a technical error and called upon the host country to return to normal practice and refer to Member States by their official names.

30. The representative of China stated that his delegation hoped that the request of the Democratic People's Republic of Korea would be resolved appropriately in accordance with the Charter, the Vienna Convention on Diplomatic Relations and other relevant international agreements.

31. The representative of the Syrian Arab Republic indicated his delegation's hope that the matter was the result of a technical issue and that the full name of the Democratic People's Republic of Korea would be re-established on the card, as appeared to be the case previously.

32. The representative of Cuba hoped that the host country would respond positively to the request of the Democratic People's Republic of Korea and reiterated her delegation's readiness to work with all members of the Committee to ensure that the relevant provisions of the Headquarters Agreement and the Vienna Convention on Diplomatic Relations were followed with transparency, without discrimination and with full respect for sovereignty.

33. The Chair stated that he took note of the issue raised by the representative of the Democratic People's Republic of Korea and trusted that the host country would resolve the matter as stated by the representative of the host country.

34. The representative of the Democratic People's Republic of Korea stated that his delegation did not accept the explanation that had been provided by the representative of the host country that a technical issue was the cause for the change. He further noted that the problem was not whether the card as currently issued would still work.

It was a matter of principle and respect for the sovereignty of his country. His delegation hoped that the host country would take the issue seriously and take all measured to address it without any further delay.

35. The Chair stated that the Committee had taken note of the matter raised by the representative of the Democratic People's Republic of Korea and anticipated that the host country would address it in line with international law.

36. At the 287th meeting, the representative of the Russian Federation stated that the host country once again had grossly violated its international obligations as a host country of the United Nations. He informed the Committee that, at the end of March 2018, the host country had given the Permanent Mission of the Russian Federation an ultimatum, demanding that 12 Mission staff members, together with their families, be returned home. He further stated that, while the host country had accused the 12 staff members of abusing their privileges and immunities, the host country had failed to provide any justification for the accusation. The representative stated that the host country had instead provided the reasons for the expulsion of the 12 staff members to the press through briefings and related public statements by official representatives of the United States Department of State, wherein it had been emphasized that such measures had been adopted to demonstrate "unbreakable solidarity" with the United Kingdom. The representative expressed the view that the host country had applied sanctions to the delegation of the Russian Federation based on the host country's unfriendly bilateral agenda with respect to the Russian Federation. He further asserted that the host country's actions had been taken in solidarity with another country, based on false accusations made by the United Kingdom against the Russian Federation in relation to the incident involving Sergei Skripal in the United Kingdom. The representative then asserted that the Committee, the Secretary-General and all permanent missions of Member States must take into consideration the fact that the host country had demanded that mission personnel of a Member State cease their functions at the United Nations, which are in the interests of their country, in order for the host country to please its allies. The representative emphasized that the incident seemed to be one of the most blatant cases of the host country deliberately abusing its position in recent times, which was creating a poor environment for the functioning of permanent missions.

37. The representative of the Russian Federation then spoke on matters of procedure regarding the expulsion of the 12 staff members. He noted that the demand that the 12 persons leave the host country's territory had been communicated to the Russian Federation by way of a note verbale dated 26 March 2018. He also noted that, through the briefing by the Deputy Press Secretary of the United Nations, it had also been made known that the host country authorities had informed the Secretariat of the steps being undertaken by the host country, and that they would be applying the mechanism provided for under section 13(b) of the Headquarters Agreement. He noted that, pursuant to section 13(b), any decision to expel an individual must be preceded by consultations with the Member State against which such measures were being considered. He asserted, however, that the Russian Federation had not been consulted, but had rather only been handed a note with a decision that had already been made by the United States Department of State, as well as an ultimatum that the Permanent Mission of the Russian Federation prove that the 12 staff members did not pose a danger to the host country, failing which they would have to leave the country. The representative further stated that the host country's note had provided no facts, explanation or anything of substance in that regard to allow the Russian Federation to respond to the accusations. His Mission responded to the host country through a note verbale requesting full-fledged consultations in accordance with section 13(b). The representative stated that, even though the two notes did not discuss the substance of the host country's unilateral measures or the reasons behind them, the host country

subsequently took the position that that exchange of notes constituted consultations under section 13(b). He further asserted the Russian Federation's view that the host country's interpretation of section 13(b) ran counter to common sense and essentially eliminated the procedure, which the host country was obliged to follow, and would defeat the purpose of the provision. He emphasized that the Russian Federation categorically rejected the host country's interpretation as not being in line with the letter and spirit of the Headquarters Agreement, and the Russian Federation had informed the Committee and the Secretary-General of such. The representative indicated that, despite the host country's failure to comply with the procedure as set out in section 13(b), the Russian Federation had decided to have the 12 staff members, as well as their families, return to the Russian Federation for their safety and to avoid any provocations.

38. The representative of the Russian Federation stated that the host country had violated a fundamental rule by which the permanent mission of a Member State could not be subject to any limitations stemming from bilateral relations with the host country, which had been reaffirmed in, among others, paragraph 2 of Assembly resolution 72/124, which had been adopted by consensus. He stated that the host country did not seem to consider itself in any way bound by the Headquarters Agreement, as evidenced by that and numerous other incidents, among which was the seizure of the premises of the Permanent Mission of the Russian Federation. The representative referred to Assembly resolution 72/124, in which the Assembly recommended that the host country lift any limitations that were incompatible with the privileges and immunities of the premises. The representative demanded that the said properties be returned.

39. The representative of the Russian Federation further asserted that the host country's constant violation of the Headquarters Agreement had become an everyday occurrence, which posed a serious problem for every Member State that could not be ignored. The representative stated that serious thought must be given to strengthening the role of the Committee and the weight of its decisions and the Assembly resolutions that were adopted on the Committee's work. He further suggested that it would be useful to conduct a review of the host country's failures in recent years to comply with its obligations under international law. He welcomed the United Nations Deputy Press Secretary's statement of 26 March 2018, wherein it was stated that the Secretary-General would address and closely follow the situation regarding the expulsion of the staff members of the Permanent Mission of the Russian Federation, and would engage, as appropriate, with the Governments concerned. He expressed the hope that the Secretary-General would, within his purview and powers, call upon the host country to immediately return to complying with its obligations under the Headquarters Agreement in good faith, and to implement the decisions of the Committee and the relevant Assembly resolutions. Lastly, the representative referred to Assembly resolution 2819 (XXVI), by which the Committee had been established, and noted that the Secretary-General had requested to play an active role in representing the interests of the United Nations and the permanent missions, in particular with respect to their relations with the host country. He expressed hope that the Secretary-General would actively pursue that function soon.

40. The representative of Cuba expressed her concern with respect to the failure of the host country to abide by the rules of international law. She reiterated the call to carry out dialogue, to respect international law, and to decisively contribute towards the development of better conduct of diplomatic relations between Member States and the United Nations with respect to the Headquarters Agreement, in strict compliance with the Vienna Convention on Diplomatic Relations. The representative of Cuba also expressed her concern regarding the expulsion of the Russian diplomats, which had been taken without due and impartial investigation of the facts. She stated

that the host country's actions were not in accordance with the dialogue, understanding and cooperation expected between the host country and Member States, and was hence not in the spirit of international law and the Charter.

41. The representative of China hoped that the host country and all relevant parties would effectively abide by the Headquarters Agreement and the Convention on the Privileges and Immunities of the United Nations and other relevant international instruments, so as to ensure: (a) that all permanent missions and their diplomatic personnel would enjoy their privileges and immunities; and (b) the normal functioning of permanent missions. He further expressed the hope that all relevant parties would strengthen communications and handle the matter appropriately.

42. The representative of the Democratic People's Republic of Korea stated his delegation's support for the statements made by the Russian Federation, Cuba and China. He stated that the host country had not provided sufficient reason for its decision to expel the members of the Permanent Mission of the Russian Federation and had done so without consultations with the Russian Federation, which violated its obligations under section 13(b) of the Headquarters Agreement. The representative requested the host country to adhere strictly to the Headquarters Agreement.

43. The representative of the Islamic Republic of Iran emphasized that the privileges and immunities of the United Nations and the permanent missions were crucial to their well-functioning. He stated that it was regrettable that during each Committee meeting, Member State representatives had to raise the difficulties and consequent interruptions to their independent and normal functions. He expressed the view that the host country's arbitrary interpretation and application of the Headquarters Agreement was at the root of the problem. He stated that the expulsion of the staff members of the Permanent Mission of the Russian Federation constituted a breach of the Headquarters Agreement for a number of reasons. The first is that the Headquarters Agreement is a politically-neutral agreement, wherein some criteria that may legitimately be applied in bilateral relations have been deliberately put aside, so as to ensure the proper functioning of the United Nations. He emphasized that the Headquarters Agreement was founded on the sovereign equality of all Member States, and applied regardless of the state of relations between a Member State and the host country. Even in a case where the Government of a sending Member State was not recognized by the host country, the Headquarters Agreement stipulated that privileges and immunities should be extended to the representative of said State within the Headquarters district. The representative stated that, notwithstanding the Headquarters Agreement, the host country had undertaken its obligations through the lens of bilateral relations by imposing limitations like visa and travel restrictions, on merely political grounds. He noted that the issue of linking political and bilateral affairs with the implementation of the Headquarters Agreement had been addressed by the General Assembly in its resolution 72/124 of 7 December 2017, in which it stipulated that the maintenance of appropriate conditions for the normal work of delegations and permanent missions accredited to the United Nations, as well as the observance of their privileges and immunities, could not be subject to restrictions on the basis of bilateral relations of the host country. He asserted that the host country, by linking the expulsion of the staff members to an alleged case outside the host country's territory, had acted in contravention of the Headquarters Agreement and the Assembly resolution. He emphasized that the controversies regarding an incident outside the territory of the host country should not have any effect on the activities performed by a diplomat accredited to the United Nations in his or her official capacity.

44. The representative of the Islamic Republic of Iran stated that the fact that the host country had stated that the expulsion was an appropriate response to a case on British soil showed that the conditions set forth in section 13(b) of the Headquarters

Agreement had not yet materialized. He asserted that the host country had abused its authority as stipulated in the Headquarters Agreement in order to exert political pressure on the Russian Federation, in solidarity with the United Kingdom. He further elaborated that the requirement stipulated under section 13(b) was to ensure that the decision on expulsion was judicious and arose from an abuse of privileges and immunities owing to the violation of the national law of host country. To interpret the Headquarters Agreement in a way that would allow the host country to use a political issue to insist that a foreign diplomat had abused his privileges and immunities is a clear violation of the Charter, in particular Article 105, which underscored the importance of privileges and immunities for Member States representatives for the independent exercise of their functions in connection with the United Nations. He also noted paragraph 14 of Assembly resolution 72/124, by which the Assembly requested the Committee to consider additional measures to enhance the work of Committee and its effectiveness. He suggested that webcasting the Committee's meeting could be an option for greater transparency.

45. The representative of Belarus stated that recent events within the United Nations have been completely contradictory to the principles of the Charter. He emphasized the need to ensure equal opportunities for participants in international relations, which is particularly important for the functioning of a universal organization like the United Nations. He stated that cases where the host country systematically restricted the ability of delegations to fully represent their interests, applied restrictions on movement, confiscated official property and expelled permanent mission staff constituted a direct violation of that principle. He further noted that the reason given by the host country for its expulsion of the staff members of the Permanent Mission of the Russian Federation was "unbreakable solidarity with the United Kingdom". The representative asserted that that was not just a bilateral agenda being imposed on a multilateral one, but rather the bilateral agenda of a third state spilling over into a multilateral one. He further stated that his delegation was in no way advocating a limit to the sovereignty of the host country with respect to their ability to grant permission of access and stay for foreign diplomats in its territory. He noted, however, that the host country's sovereignty was limited by the Headquarters Agreement, which meant that there were certain rules of conduct that were mandatory. He elaborated that section 13(b) of the Headquarters Agreement contained an explicit obligation to consult with the Member State when a matter involved a representative of said Member State, which, as far as he was aware, had been ignored. He called upon Member States to, moving forward, address issues in bilateral relations exclusively in a bilateral format.

46. The representative of the Bolivarian Republic of Venezuela emphasized that respect for persons and diplomatic personnel were key to the functioning of the United Nations. He stated that the host country must comply with all international obligations, especially the Vienna Convention on Diplomatic Relations, the Headquarters Agreement and the Convention on the Privileges and Immunities of the United Nations. He stated that the host country had violated the principles enshrined in the Charter and other treaties by placing restrictions on and arbitrarily expelling persons in the United Nations owing to bilateral relations and unilateral processes that were politically motivated, without legal basis or consideration for the multilateral relations of Member States within the United Nations. He stated that that should be rejected by the Committee and Member States, and that the Committee should make efforts to properly resolve the issues raised by Member States in the spirit of cooperation and in line with public international law.

47. The representative of the host country indicated that, on 26 March 2018, the head of the Host Country Affairs Section of the United States Mission, James Donovan, had formally engaged in consultations with the Permanent Mission of the

Russian Federation. She stated that Mr. Donovan had personally met with First Deputy Permanent Representative Dimitry Polyasnskiy, Deputy Permanent Representative Sergey Kononuchenko and Deputy Permanent Representative Gennady Kuzmin at the Permanent Mission of the Russian Federation. Pursuant to section 13(b) of the Headquarters Agreement, the host country's Deputy Secretary of State, acting under the authority of the Secretary of State, had determined that several individuals assigned to the Permanent Mission had engaged in conduct outside their official capacity that was harmful to the host country. She stated that Mr. Donovan had specifically informed the Russian Federation that the Deputy Secretary of State had determined that those persons had used their positions at the Permanent Mission as cover to engage in intelligence activities that were prejudicial to the national security of the host country. The Russian Federation was informed that those activities constituted an abuse of privilege of residence under section 13(b) and that, unless the Permanent Mission provided information to justify a contrary result within 24 hours, the host country would request that arrangements be made for the expeditious departure of those individuals, with their family members, from the host country by 11.59 p.m. on 1 April 2018. She also indicated that Mr. Donovan had formally delivered a note verbale to the Permanent Mission with the names of the 12 persons on the same day. On 27 March 2018, Mr. Donovan and the Legal Counsel to the United States Mission, Mark Simonoff, formally engaged in consultations with Mr. Polyanskiy and Maxim Musikhin at the United States Mission. She noted that the Permanent Mission had failed to provide any information that would justify a determination that any of the 12 staff members had not abused their privilege of residence. She added that Mr. Simonoff and Mr. Donovan met again with Mr. Polyanskiy and Mr. Musikhin at the Permanent Mission of the Russian Federation on 28 March 2018, where the host country representatives informed the representatives of the Russian Federation that they had provided their Deputy Secretary of State with a summary of the consultations held on 26 and 27 March 2018 between the Permanent Mission of the Russian Federation and the United States Mission. The Russian Federation representatives were then informed that the host country's Deputy Secretary of State, acting under the authority of the Secretary of State, taking all of the relevant facts and circumstances into consideration, confirmed that the 12 persons had used their positions in the Permanent Mission as cover to engage in intelligence activities that were prejudicial to the national security of the host country. She asserted that those activities constituted an abuse of privilege of residence under section 13(b) of the Headquarters Agreement. Accordingly and pursuant to section 13(b), the Russian Federation had been required to make arrangements for the departure of those individuals, with their family members, from the host country by 11.59 p.m. on 1 April 2018.

48. The representative of the host country noted that section 13(b) of the Headquarters Agreement did not elaborate on what constituted consultations. She stated that the two meetings on 26 and 27 March 2018 constituted consultations under section 13(b) and that there was nothing in the Agreement that would prevent the host country from setting a 24-hour deadline for the Russian Federation to respond to the host country. She indicated that the Permanent Mission of the Russian Federation had failed to provide any information that would justify a determination that any of the 12 staff members had not abused their privilege of residence. She further elaborated that the host country had initially provided the names of the said 12 persons and the basis for a preliminary determination to the Deputy Secretary of State, who then made the final decision to expel the 12 Russian staff members after the consultations and taking into consideration the facts and circumstances. The representative added that the fact that the host country had on the same day also expelled Russian intelligence officers from the Embassy of the Russian Federation did not prevent the host country from initiating and utilizing the process under the Headquarters Agreement. She

further stated that the acts of the Russian Federation in the United Kingdom and elsewhere did not give it a free pass for it to use its Permanent Mission as a platform for espionage in the host country. She added that the host country was not able to disclose sensitive information that the Deputy Secretary of State had used to make his determination and there was no requirement under the Headquarters Agreement that the host country had to disclose sensitive information to the Russian Federation. She concluded that the host country categorically rejected the assertion that it had acted inconsistently with the Headquarters Agreement.

49. The representative of the Russian Federation noted that the Committee was concerned about the host country's behaviour in addressing problems that may arise bilaterally with other Member States. He expressed his gratitude to the representative of the host country for the information provided and the chronology of events, which in principle, was correct. He disagreed, however, with the host country's interpretation of its obligations under the Headquarters Agreement, in particular that the obligation under section 13(b) had been met by simply providing a note verbale with the list of staff members to be expelled, together with an ultimatum to provide justification that they had not been involved in certain intelligence activity within 24 hours. He stated that that interpretation of section 13(b) was incorrect and inappropriate. He recalled that the question of what constituted consultation had already been considered by the Committee in 1978 and 1979, at which time the then-representative of the host country and the United Nations Legal Counsel had provided explanations. He referred to page 8 of A/34/26, wherein the host country had provided its opinion as to what constituted consultations within section 13(b), stating that the "United States Mission further observed that a process of consultation for the purposes of section 13(b)(1) of the Headquarters Agreement implied a meaningful exchange of views". The representative stated that there had been no meaningful exchange of views between the Permanent Mission of the Russian Federation and the United States Mission regarding the 12 staff members listed in the host country's note. He stated that there had been no search for a mutually acceptable solution between the parties and dialogue had not even begun. He stated that the host country had not even attempted to hold a dialogue, and had even refused the attempts by the Russian Federation to do so. He noted that the Russian staff members had already left the host country. He stated that the host country's obligations under the Headquarters Agreement had been grossly violated by the host country and expressed his concern that the host country authorities could do the same regarding the staff of any other Permanent Mission or the Secretariat if the Committee, the governing bodies of the United Nations and the Secretary-General did not respond to the case in an appropriate manner.

50. The Chair of the Committee stated that the Committee had listened carefully to the statements by the Russian Federation and the host country. He noted that the case concerns the application of section 13(b)(1) of the Headquarters Agreement, which envisioned direct consultations between the host country and the Russian Federation. He stated that the discussions today revealed that a difference of opinion existed as to whether appropriate "consultations" had taken place within the meaning of section 13(b)(1) of the Headquarters Agreement. He stated that the Committee, not being privy to the interactions between the host country and the Russian Federation, could not directly express a view as to whether they constituted "consultations", except to say that, given the seriousness of the action envisioned under that section of the Headquarters Agreement, meaningful consultations should take place.

51. At the 289th meeting, the representative of the Russian Federation referred to the situation concerning a Russian citizen, Sergei Tyulenev, who was selected by the United Nations in May 2017 for the position of Chief of the Current Military Operations Service in the Office of Military Affairs, Department of Peacekeeping

Operations. He stated that Mr. Tyulenev had been ready to take up his post and commence work, but the host country authorities had refused to issue a visa to Mr. Tyulenev, thus preventing Mr. Tyulenev from fulfilling his professional duties and undermining the Secretary-General's staff appointment process. He asserted that such conduct violated Article 100 (2) of the Charter, which requires all Member States, including the host country, to strictly respect the international nature of the responsibilities of the Secretary-General and Secretariat staff; Article 101 (1) of the Charter, which provides that Secretariat staff are appointed in accordance with the rules and regulations approved by the General Assembly; as well as sections 11 and 13(a) of the Headquarters Agreement. The representative noted the position of the United Nations in relation to such situations, as set out in the statement of the Legal Counsel dated 28 November 1988 (A/C.6/43/7), and concluded that the host country authorities were legally obliged to issue a visa to Mr. Tyulenev. He noted that, pursuant to section 12 of the Headquarters Agreement, that obligation applies regardless of the state of the relationship between the staff member's State of citizenship and the host country. The representative urged the Committee, as well as the Secretary-General, to respond appropriately to the apparent violation, since the unlawful behaviour of the host country infringed upon the United Nations directly. He suggested that this issue, as well as the problems pertaining to issuance and extensions of visas by the host country, be reflected in the Committee's recommendations for 2018.

52. The representative of the host country stated that the case of Mr. Tyulenev was unique and that he would share more information on the case at the next meeting. He further noted that the host country took its responsibilities under the Headquarters Agreement very seriously, which was exemplified by the visas issued and the support provided to all delegations during the high-level week of the seventy-third session of the General Assembly.

53. The Chair took note of the matter and stated that the Committee would take it up again at its next meeting.

B. Entry visas issued by the host country

54. At the 286th meeting, the representative of the Islamic Republic of Iran informed the Committee about a restriction imposed on Iranian resident diplomats that significantly impaired the normal condition of work of his Permanent Mission. The restriction was related to the single-entry visa issued by the host country for diplomats of the Permanent Mission. While the host country might maintain that the issuance of such a visa would meet its obligations under the Headquarters Agreement, that type of visa created certain consequences for Iranian resident diplomats that ran counter to the host country obligations. With a single-entry visa, Iranian diplomats were forced, before leaving the host country, to apply for a visa for their return. This effectively prevented an Iranian diplomat from returning to Headquarters without delay when the diplomat needed to depart New York owing to an emergency situation, whether of a formal or private nature. His Mission's experience had been that the procedures for re-applying for the United States visa might take two or three months, or in some cases, might never arrive. The other option was not to leave the country in emergency cases and accept its high costs which, in the case of loss of beloved ones, might be irreparable. With this practice by the host country, Iranian diplomats were systematically deprived from freely traveling to New York. Owing to such a discriminatory procedure, in many cases Iranian diplomats had missed the opportunity to be with their loved ones at the most important and critical moments, whether it be a wedding or a funeral.

55. The representative of the Islamic Republic of Iran stated that those procedures, which intentionally or unintentionally imposed psychological pressure on Iranian diplomats, could be considered detrimental to the normal work of his Mission, as it directly interfered with the well-functioning of Iranian diplomats. As such, it ran counter to the obligations of the host country emanating from the Charter, the Headquarters Agreement, the General Convention and many other instruments of international law. He further stated that his Government considered such procedures to be a violation of the Headquarters Agreement and reiterated its call to the host country authorities to honour their legal obligations under the Headquarters Agreement and to put an end to such discriminatory procedures, which, in turn, undermined the work of the United Nations system and impaired the very foundations of multilateral diplomacy.

56. The representative of the Russian Federation stated that the host country continued to create obstacles for the staff of his Mission when they tried to extend their visas and, despite communications with the authorities of the host country, the situation was not improving.

57. The observer of the Organization of Islamic Cooperation requested the host country to issue appropriate visas and identification cards and to extend parking facilities under the diplomatic parking programme to the staff of observer missions in order to facilitate the functioning of her Observer Mission.

58. The representative of the host country stated that his delegation was actively working with permanent missions on specific cases, including the aforementioned cases. He encouraged all delegations to reach out to him and his team directly and as early as possible for assistance with such matters. His delegation would also contact the observer of the Organization of Islamic Cooperation to discuss the issues that she had raised.

59. The Chair stated that the Committee anticipated that the host country would continue to enhance its efforts to ensure the issuance of entry visas to representatives of Member States to enable travel in a timely manner to New York on official United Nations business, including to attend official United Nations meetings.

60. At the 287th meeting, the representative of the Russian Federation informed the Committee that, despite his Government's compliance with all procedural visa formalities and requirements ahead of time, a member of the delegation of the Russian Federation, Sergei Muraviev, Director of the Department of International Cooperation, Ministry of Healthcare, had been denied a visa by the host country and was not able to attend a high-level meeting of the General Assembly.

61. The Chair recalled the Committee's recommendation on the matter in paragraph 89 (i) of its previous report (A/72/26).

62. At the 288th meeting, the representative of the Russian Federation stated that since the last meeting of the Committee, there had been an unpleasant development concerning visas. She noted that, since 12 December 2017, the host country had not extended the visa of the Senior Counsellor to the Russian Permanent Mission, Alexander Volgarev. She explained that, in May 2018, Mr. Volgarev had not been able to fly to Grenada to participate in a regional seminar of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples. She stated that, because of the foregoing, the Russian Federation, which had not missed a single event organized by the Special Committee since 1961, was deprived of the opportunity to participate in the seminar. As Deputy Chairperson of the Special Committee, the Russian Federation was supposed to represent the entire Eastern European Group. She indicated that, as a result of the host country's unfounded visa policy, a whole region had not been

represented at that event. Nonetheless, she noted that more recently, the visa situation had improved somewhat.

63. The representative of the Syrian Arab Republic stated that the host country continued to grant only 6-month single-entry visas to diplomats in the Permanent Mission of the Syrian Arab Republic, which took at least 1 month to be issued.

64. The representative of the host country responded stating that the host country had made significant progress with visas and had cleared the backlog of visa renewals for all diplomats in the Permanent Mission of the Russian Federation. With respect to the visa issues raised by the Permanent Mission of the Syrian Arab Republic, that Mission, as compared to other permanent missions, had fewer diplomats, and the host country had worked hard to renew the visas of the diplomats and others assigned to that Mission when they needed to leave the country and required the re-entry visa before they left. He noted that the United States Mission worked closely with the Deputy Permanent Representative of the Syrian Arab Republic on visas and was thus aware of when a visa was urgent and tried to provide focused customer service and support. He noted that, while he was also aware of a few situations where the renewals had taken longer than expected, all visas had ultimately been issued.

65. The representative of the Syrian Arab Republic clarified that he was not just calling for assistance to expedite the issuance of 6-month single-entry visas but was calling upon the host country to facilitate the work of the Permanent Missions and to demonstrate that it could act responsibly as the host country. He reiterated that the Permanent Mission of the Syrian Arab Republic was not an embassy to which reciprocity principles might be applied. He noted that the host country, in issuing multiple-entry visas with a validity of up to 5 years to other missions, showed that it could address everyone equally. The host country should be able to issue multiple-entry visas to members of his Mission of a duration greater than 6 months.

66. The Chair stated that he trusted that the host country would endeavour to issue visas in a timely manner and address the concerns expressed.

67. At the 289th meeting, the representative of the Syrian Arab Republic recalled the ongoing difficulties his Mission faced with obtaining visas, which when issued were for only for single entry and expired in 6 months. He recalled that the process took at least 1 month to obtain a 6-month visa.

68. The representative of the Democratic People's Republic of Korea stated that the violations by the host country regarding the seizure of the diplomatic premises of the Russian Federation, the expulsion of diplomats and the delayed issuance or non-issuance of visas to permanent mission staff had occurred without appropriate notice or adequate explanation being provided to the States concerned. He stated that the host country had violated the national sovereignty of States, the Charter, the Headquarters Agreement and the Vienna Convention on Diplomatic Relations. He urged the host country to abide by its international obligations and to stop imposing visa and travel restrictions on the staff of certain permanent missions in order to guarantee the full functioning of the permanent missions.

69. The representative of China took note of section 13 of the Headquarters Agreement, which stipulated that, when required, visas should be issued as soon as possible and free of charge.

70. The Chair referred to the Committee's long-standing position on the matter and reiterated the Committee's expectation that the host country would continue to issue visas in a timely manner.

C. Host country travel regulations

71. At the 286th meeting, the representative of the Syrian Arab Republic informed the Committee that, after the adoption Assembly resolution 72/124 pertaining to the report of the Committee on Relations with the Host Country, there had been a serious and unjustified deterioration in relations with the host country, wherein the host country had imposed restrictions on the travel and movement of members of his Mission, all representatives of the Syrian Government and their family members. Referring to the letter from his Mission to the Chair of the Committee dated 21 December 2017 (A/AC.154/411), he informed the Committee that the members of the Permanent Mission of the Syrian Arab Republic, especially the Permanent Representative, had been the target of several punitive measures over the preceding 3 months, including the closure of bank accounts and credit lines. The representative stated that the host country had chosen not to fulfil its obligations under the Headquarters Agreement and the Vienna Convention on Diplomatic Relations and had not met commitments undertaken by its representatives in the Committee on Relations with the Host Country, the Sixth Committee and the General Assembly. The representative was convinced that the host country's non-compliance with international legal obligations was not due to lack of capacity but lack of will, based on the state of its bilateral relations with his country. He requested the host country to put an end to the use of those measures and insisted that the sovereign rights of all Member States be respected.

72. The representative of the Russian Federation shared the concerns expressed by the representative of the Syrian Arab Republic and called for the travel restrictions to be lifted. He recalled that, despite the Committee's recommendations to that effect, the host country had instead been increasing the number of persons subject to such restrictions.

73. The representative of the Democratic People's Republic of Korea expressed his Mission's strong support for the statement made by the representative of the Syrian Arab Republic and condemned the recent travel restrictions measures recently imposed by the host country against the Syrian Arab Republic and its representatives to the United Nations as a political provocation, and a violation of the Charter and human rights. He recalled that the host country had imposed similar restrictions on his Mission and was now expanding those to other permanent missions. He stated that that was a flagrant violation of the Convention on the Privileges and Immunities of the United Nations and the Vienna Convention on Diplomatic Relations. His delegation requested the host country to withdraw, without delay, measures blocking the diplomatic activities of the Member States and to fulfil its obligations under the Headquarters Agreement.

74. The representative of Cuba stated that the travel restrictions were unfair, discriminatory, politically motivated and openly contravened the obligations of the host country under the Headquarters Agreement and customary international law. The representative stated that the host country continued to fail to take concrete steps to eliminate those unjustifiable measures that prevented personnel from Member States, including Cuba, from travelling beyond a zone defined by a 25-mile radius from Columbus Circle. The representative recalled that article 26 of the Vienna Convention on Diplomatic Relations provided that, subject to its laws and regulations concerning zones entry into which was prohibited or regulated for reasons of national security, the receiving State should ensure freedom of movement and travel in its territory for all members of the mission. She further recalled that section 12 of the Headquarters Agreement provided that its provisions should be applicable irrespective of the relations existing between the Governments of the persons referred to in [Section 11 of the Headquarters Agreement] and the Government of the United States.

75. The representative of the Islamic Republic of Iran recalled that Article 105 of the Charter provided that the privileges and immunities of representatives of Member States were necessary for the independent exercise of their functions. He further recalled the obligations of the host country under the Headquarters Agreement, the Vienna Convention on Diplomatic Relations and the consensus-based resolutions of the General Assembly on the report of the Committee on Relations with the Host Country, which have also referred to the responsibilities of the host country. The representative stated that, contrary to the provisions of Assembly resolution 72/124, it was obvious that the restrictions imposed on the Syrian and other permanent missions of Member States were owing to the host country's bilateral relations with those Member States. Furthermore, in the resolution the Assembly had requested the host country to consider removing the remaining travel restrictions imposed by it on the staff of certain missions and staff members of the Secretariat of certain nationalities. He further noted that the only restriction recognized in the Headquarters Agreement was with respect to representatives of countries whose Governments were not recognized by the host country, and that any attempt to expand its scope of application to other situations would not be legally permissible.

76. The representative of the host country recalled that his team was working hard with the permanent missions subject to travel restrictions to obtain approval for requests for travel outside the 25-mile zone. He encouraged those missions to continue to submit such requests and assured them that he and his team would do their best to have them approved. He explained that, consistent with the Headquarters Agreement, the host country provided members of the permanent missions and delegations to the United Nations with unimpeded access to the Headquarters district and that the host country was not required to permit them to travel to other parts of the United States unless they were traveling for official United Nations business or for official United Nations meetings.

77. The representative of the Syrian Arab Republic clarified that his statement concerned travel restrictions that were being imposed solely because of political considerations and was not a request for assistance.

78. The Chair recalled that the Committee had maintained a long-standing position on travel restrictions, as reflected in the recommendations and conclusions contained in its reports, including its most recent report, in 2017, where the Committee had noted the positions of the affected Member States and the host country and urged the host country to remove the remaining travel restrictions.

79. At its 287th meeting, the representative of the Syrian Arab Republic thanked the Committee for the professionalism and transparency that it has shown in its work and towards its members. He noted that the United Nations was facing an escalating situation that was abnormal, which could only be interpreted as the host country's desire to go as far as it possibly could in politicizing its position as the host country of the Headquarters of the United Nations, and to use that position to exert pressure on a specific group of Member States. He stated that, because of the host country's actions, the Committee on Relations with the Host Country, the Sixth Committee and the United Nations system no longer had the tools to enforce the obligations of the host country towards the Headquarters and the rules and regulations stemming therefrom. He further stated that the host country was interpreting its international legal obligations, agreements and rules in a way that would serve its own policies and interests, and, in the meanwhile, the privileges and immunities of the United Nations and its Member States, in particular the Syrian Arab Republic, were being held hostage to the policies and actions of the host country. He referred to the refusal of any requests by the Syrian Arab Republic with respect to exemptions for travel beyond the 25-mile zone for official matters. He indicated that the host country had turned down three requests for Syrian officials to travel to Washington, D.C.,

following its decision in 2014 to expel certain Syrian diplomats, and that he had personally been denied authorization to travel to New Jersey to take part in a conference on terrorism hosted by the Permanent Mission of Kazakhstan. He further indicated that the host country had also rejected all requests for travel for staff members of its Permanent Mission who had wished to travel with their families for certain holidays. He noted that Mr. Donovan, at the previous Committee meeting, had stated that there were no provisions in the Headquarters Agreement requiring the host country to provide for certain leisure activities of members of permanent missions, and the host country's only commitment was in respect of permanent mission staff members being able to carry out their official functions at the United Nations. He stated that many of the rejected requests had been for work-related purposes.

80. The representative of the Syrian Arab Republic stated that the Charter provided for equality and respect between Member States, and the Convention on the Privileges and Immunities of the United Nations provided that Member States would enjoy privileges and immunities on an equal footing without politicization and discrimination. He noted that the host country had also signed the Headquarters Agreement to ensure freedom of movement and travel for all accredited diplomats without restriction as long as they respected the laws of the host country. He then suggested that the Committee on Relations with the Host Country and the Sixth Committee consider a legal review of the obligations of the host country towards the United Nations under the Headquarters Agreement, the Vienna Convention on Diplomatic Relations and relevant General Assembly resolutions, in order to assess the impact of the violations and irregularities committed by the host country. He expressed his support for the suggestion that the Committee evaluate the status of relations with the host country. He also requested that the Secretary-General publish an annual report taking stock of relations with the host country that would reflect the positions and concerns of Member States and be accompanied by effective concrete recommendations by Member States. He noted that, at the same time, his Permanent Mission also recognized and appreciated the cooperation accorded by the host country's Mission in obtaining entry visas and renewals and in resolving any pending problems. He stated that, nonetheless, the ideal solution would be to lift all restrictions and work in the spirit of justice and equality among representatives of all permanent missions.

81. The Chair of the Committee stated that the Committee should strive to resolve all issues within the purview of the Committee in a spirit of compromise and full regard for the interests of the Organization. He concluded that he looked forward to working with all Member States and Observers towards achieving that goal.

82. At the 288th meeting, the representative of the Syrian Arab Republic stated that the host country continued to impose restrictions on the diplomatic staff of the Syrian Arab Republic and refused to grant the staff of his Mission authorization to move beyond a 25-mile zone with one exception that involved a school trip for the children of one of the diplomats.

83. The representative of the Russian Federation also referred to the 25-mile restriction placed on diplomats from several missions, including Permanent Mission of the Russian Federation, which has not changed for many years, and urged the host country authorities to deal with the matter.

84. The representative of the host country stated that his Mission worked closely with the Missions concerned, including the Permanent Mission of the Syrian Arab Republic, on matters concerning travel restrictions and carefully considered requests for exemption.

85. The Chair stated that the position of the Committee on the issue was well known and need not be repeated.

86. At the 289th meeting, the representative of the Russian Federation referred to the travel restrictions imposed on a number of permanent missions, including that of the Russian Federation, and called upon the host country authorities to address the issue.

87. The Chair stated that the position of the Committee, as set out in its most recent report, was known.

D. Host country activities: activities to assist members of the United Nations community

88. At the 286th meeting, the representative of the Syrian Arab Republic stated that seven of his delegation's bank accounts had been closed, including one belonging to the permanent representative. The banking institutions concerned had explained that they had been required to implement sanctions imposed by the host country on his Government. He therefore requested the host country to review and revise the measures taken so far so that the host country could properly fulfil its obligations to the United Nations and its members.

89. The representative of the host country stated that the banking issues had been discussed in the Committee for many years and improvements had been made, for example, the United Nations Federal Credit Union was now able to open bank accounts for individual diplomats. His delegation was available to assist the Syrian delegation in resolving its banking issues.

90. The Chair stressed once again the need for the permanent missions and the United Nations to benefit from appropriate banking services and anticipated that the host country would continue to assist the permanent missions and their staff in obtaining such services.

91. At the 288th meeting, the representative of the Syrian Arab Republic informed the Committee that most banks, some shopping sources and electronic shopping websites continued to refuse services to Syrian diplomats in New York under the pretence that financial and banking sanctions had been imposed by the host country on the Syrian Arab Republic. The representative noted that the latest of those incidents was a decision by Amazon to close the accounts of Syrian diplomats in New York, under the pretence that they were subject to American Government sanctions. He noted that the host country's sanctions were unilateral coercive measures, which are illegal and considered a violation of the Charter. Notwithstanding, he noted that his Mission continued to honour and respect the laws of the host country, and, in accordance with host country laws, his Mission had submitted a complaint and an appeal to Amazon that included a copy of the license that had been issued by the United States Treasury Department that exempted Syrian diplomats accredited to the United Nations from the sanctions. However, Amazon had refused the appeal, under the pretence that the competent host country authority had refused to authenticate the validity of the license. In that regard, he recalled that the representative of the host country had previously stated that the host country was unable to interfere with the decisions of a private company to refuse to provide goods and services to diplomats, and suggested that that was merely a pretence. He was convinced that the problems that his Mission and certain other permanent missions continued to suffer, as a result of the insistence of the host country to impose restrictions and discriminatory policies against certain Member States, were for purely political reasons.

92. The representative of the Syrian Arab Republic noted that most Member States were not facing complications or problems with the host country. He further noted that the issue was thus purely moral and legal and had to do with the sanctity of the

Charter, as well as respect for the provisions of international agreements and conventions. He called upon members of the Committee to acknowledge that the Committee had been unproductive when it came to managing complaints and problems with the host country. He therefore called for the implementation of all General Assembly resolutions relevant in that regard and for the Secretary-General to engage, in a serious and direct way, to resolve the problems caused by the host country's violation of its obligations under the Headquarters Agreement. Specifically, he called upon the Secretary-General to implement sections 20 and 21 of article 8 of the Headquarters Agreement.

93. The representative of the host country stated that Amazon was a private company and the host country was unable to exert any control over its business decisions. He was also unsure whether the sanctions regime specifically applied to Amazon. He was aware of the situation with Costco, where Costco decided it was not going to do business with certain persons and reiterated that the host country Government had no control over a private company's decision. He stated that, while he was not sure whether the situations concerning Amazon and Costco were similar, he was willing to discuss the matter further with the Syrian delegation.

94. The Chair stated that while Amazon was a private company, he hoped that the host country and the Permanent Mission of the Syrian Arab Republic would continue to discuss the matter and find a solution.

95. The representative of the Syrian Arab Republic added that Amazon, as well as Chase Manhattan Bank, Bank of New York, Citibank and Costco were relying on the host country's sanctions as the basis for refusing to provide goods and services. He noted that when his Mission provided copies of the licenses issued by the United States Treasury Department, it was told that the licenses had not been properly validated. He stated that the United States Treasury Department has refused to send the companies concerned confirmation of the validity of the licenses.

96. At the 289th meeting, the representative of the Syrian Arab Republic referred to the closing of accounts belonging to six Syrian diplomats and some local Mission staff by several shopping sources, including online service providers. He stated that this was despite the fact that, as affirmed by the United States Treasury Department, Mission staff were exempt from United States sanctions. He further stated that, unfortunately, the United States Treasury Department had refused to confirm to Amazon that the staff of the mission were exempt from those sanctions. The representative also noted that most banks in the United States refused to open bank accounts for Syrian diplomats. He asserted that diplomats of permanent missions to the United Nations could not be subjected to such measures by the host country, applied based on reciprocity. He called upon other Member States, who may not be subject to such sanctions, to reject the imposition of sanctions by the host country against the permanent mission of another Member State. The representative stated that the obligations that arose out of the Headquarters Agreement and General Assembly resolutions must be observed, and that his delegation with others looked forward to the Secretary-General's exercise of his powers and duties under the Headquarters Agreement and relevant General Assembly resolutions, which provided that the Secretary-General was responsible for ensuring the implementation of said legal instruments.

97. The representative of the Syrian Arab Republic stated that the imposition by the host country authorities of travel restrictions on Syrian diplomats and other delegations to the United Nations was a punitive measure with a purely political background, which obliged the Committee to consider new, creative and useful approaches to ensure the implementation of its recommendations and to put an end to

such measures that were contrary to the spirit, principles and purposes of the Headquarters Agreement and the related General Assembly resolutions.

98. At the 287th meeting, the representative of the Democratic People's Republic of Korea indicated that his country had encountered a bottleneck in fulfilling its financial obligation as a Member State. He noted that Article 2 of the Charter required every Member State to pay its contributions on time. However, his country would not be able to effect payment on time in 2018 as the host country's unilateral sanctions and the host country-led illegal sanctions through the Security Council had blocked all bank channels used to remit contributions to the United Nations from his country. He explained that the Foreign Trade Bank in his country had been placed under a specially designated unilateral sanctions list by the host country and had been further designated as an entity for asset freeze under Security Council resolution 2371 (2017). He indicated that said bank had been assigned by his Government to remit its contributions to the United Nations and to receive remittance of project funds for United Nations agencies working in the country. He noted that his country was a responsible Member State that sought to pay its contributions on time. The representative made it clear to the Committee and host country that if his country failed to pay its contributions in 2018 and payment became impossible in the future owing to the blockage, the responsibility would lie fully with the host country. He requested the host country to respect the Charter and to take practical measures as soon as possible to open the blocked bank channels from the Foreign Trade Bank through a correspondence bank to the United Nations Federal Credit Union, to facilitate the regular payments of his country's financial contributions to the United Nations.

99. The representative of the Syrian Arab Republic condemned the restrictions imposed by the host country on financial transfers by the Democratic People's Republic of Korea, which prevented that country from making its financial contribution to the budget of United Nations. He noted that that could have a negative impact on the Democratic People's Republic of Korea's participation in the work of the United Nations, in particular its voting rights, and that the host country was fully responsible for that situation and its consequences.

100. The representative of the host country stated that her Mission had only recently been informed of that matter. She stated that the Mission was closely studying the situation and would engage with the relevant government agencies to respond to the matter.

101. The Chair of the Committee stated that he was hopeful that an acceptable solution could be found and that he was available to help to explore possible options with the parties and the Secretariat. He also recalled the Committee's recommendation in paragraph 89 (l) set out in its previous report.

102. At the 288th meeting, the representative of the Democratic People's Republic of Korea noted that, with 2 months remaining before the beginning of the seventy-third General Assembly, his Government had not been able to send its financial contributions to the United Nations. He stated that the host country and Security Council sanctions continued to block the banking channels. He indicated that his Mission had requested the host country, on several occasions, through the Secretariat and during the previous meeting of the Committee, to open the blocked channels. However, it had yet to receive a positive response. He referred to the historic summit on 12 June 2018 and talks between his country and the United States of America, where the Chair of the State of Affairs Commission and the President of the United States had firmly promised to clear away the decades-long hostility and distrust between the two countries, to establish new State relationships in conformity with the wisdom for peace and prosperity for the people of the two countries, and

denuclearization of the Korean Peninsula. He noted that the world was watching the implementation of the Singapore joint statement with great expectations. He then noted that his Government's remittance of funds to the United Nations was not one of the targets of the sanctions. He further noted that the lack of good faith shown by the host country about the re-opening of the banking channels for the remittance of monies from his Government to the United Nations was contrary to the spirit of the Singapore joint statement. As such, he once again requested the host country to take positive steps for his country to be able to remit its contributions to the United Nations before the seventy-third session of the General Assembly.

103. The representative of the host country noted that the transaction referred to by the representative of the Democratic People's Republic of Korea would require a license from the host country exempting the transaction from the application of the sanctions regime. He stated his Mission was working diligently to have the license issued so that the funds could be transmitted to the United Nations account and that he would work with the representative of the Democratic People's Republic of Korea to help to make sure it could happen.

104. At the 289th meeting, the representative of the Democratic People's Republic of Korea stated that, despite the commencement of the seventy-third session of the General Assembly, his country remained unable to pay its assessed contribution to the United Nations owing to sanctions that had blocked its banking channels. He noted that the Secretary-General had recently urged all Member States to pay their assessed contributions. He stated that the payment of his country's assessed contributions to the United Nations was not a target of the sanctions and further noted that the issue was at odds with the Singapore joint statement. The representative requested the host country to explain the actions it has taken so far and the actions it intended to take to reopen the closed banking channels.

105. The representative of the host country stated that the Democratic People's Republic of Korea already had a functioning account with the United Nations Federal Credit Union that allowed it to carry out some of its financial transactions. He further stated that the host country authorities were still working on the challenges that had arisen with respect to the banking channel for the remittance of the assessed contribution of the Democratic People's Republic of Korea to the United Nations and that his delegation would keep in contact with the Permanent Mission of the Democratic People's Republic of Korea on the matter.

106. The representative of the Russian Federation recalled the host country's obligation to ensure that the conditions for the functioning of all Member State delegations were as favourable as possible, and hoped that those problems would be resolved promptly.

107. The representative of China hoped that the problem would be properly settled in accordance with international law.

108. The Chair stated that the permanent missions to the United Nations should be able to benefit from the necessary and appropriate banking services and welcomed the assurances of the host country of its readiness to assist the permanent missions in that regard.

E. Other matters

109. At the 288th meeting, the representative of the Syrian Arab Republic recalled the proposals his delegation had made previously, in particular: (a) to broadcast the Committee's sessions live online; (b) to form a working group, within the Sixth Committee, to come up with effective recommendations; and (c) to request the

Secretary-General to report on the status of the United Nation's relationship with the host country, including the positions of Member States as well as recommendations by the Secretary-General. He hoped that the Committee and the Secretary-General would provide clear and written answers to the proposals submitted that day and at previous meetings.

110. The Chair took note of the suggestions made by representative of the Syrian Arab Republic. With respect to publicizing the Committee's meetings, he stated that, in order for members of the Committee to speak freely about sensitive issues and prevent further complications, the Committee had decided to have closed meetings. Nonetheless, he indicated that he would consult with members of the Committee on their views and on possible options.

Chapter IV
Recommendations and conclusions

111. **At its 290th meeting, on 22 October 2018, the Committee approved the following recommendations and conclusions:**

(a) **The Committee reaffirms the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations, the provisions of the 1961 Vienna Convention on Diplomatic Relations and the 1946 Convention on the Privileges and Immunities of the United Nations;**

(b) **Considering that the maintenance of appropriate conditions for the delegations and missions accredited to the United Nations is in the interest of the United Nations and all Member States, the Committee acknowledges the efforts made by the host country to that end and anticipates that all issues raised at its meetings, including those referred to below, will be duly settled in a spirit of cooperation and in accordance with international law;**

(c) **The Committee notes that the observance of privileges and immunities is an issue of great importance. The Committee underlines in this regard that, in the context of the functioning of delegations and missions to the United Nations, the implementation of the instruments listed in paragraph 111 (a) cannot be subject to any restrictions arising from the bilateral relations of the host country. In this regard, the Committee takes seriously the recent concerns raised by permanent missions regarding the normal performance of their functions. The Committee emphasizes the need to solve, through negotiations, problems that might arise in that regard for the normal functioning of the delegations and the missions accredited to the United Nations. The Committee urges the host country to continue to take appropriate action, such as the training of police, security, customs and border control officers, with a view to maintaining respect for diplomatic privileges and immunities. If violations occur, the Committee urges the host country to ensure that such cases are properly investigated and remedied, in accordance with applicable law;**

(d) **Considering that the security of the missions accredited to the United Nations and the safety of their personnel are indispensable for their effective functioning, the Committee acknowledges the efforts made by the host country to that end and anticipates that the host country will continue to take all measures necessary to prevent any interference with the functioning of the missions;**

(e) **The Committee recalls the privileges and immunities applicable to the premises of the permanent missions to the United Nations enjoyed under international law, in particular the instruments listed in paragraph 111 (a) of the present report, and the obligations of the host country to observe such privileges and immunities. The Committee takes note of the alleged ongoing violations thereof by the host country and of the concerns expressed thereon. The Committee urges the host country to remove without delay any restrictions applied to the premises of a Permanent Mission inconsistent with those privileges and immunities, and in that regard ensure respect for such privileges and immunities. The Committee takes seriously the lack of resolution of these matters and the concerns expressed about such lack of resolution, remains seized of these matters and anticipates that they shall be duly addressed in a spirit of cooperation and in accordance with international law;**

(f) **The Committee recalls that, prior to the institution by the host country of any proceedings that require any person referred to in article IV, section 11,**

of the Headquarters Agreement, including representatives of a Member State, to leave the host country, article IV, section 13(b)(1), of the Headquarters Agreement inter alia requires the host country to consult with the Member State, the Secretary-General or other principal executive officer, as appropriate. The Committee considers that, given the seriousness of any such measure being exercised by the host country, the consultation should be meaningful;

(g) The Committee notes that permanent missions continue to implement the Diplomatic Parking Programme and shall remain seized of the matter, with a view to continuously ensuring the proper implementation of the programme in a manner that is fair, non-discriminatory, effective and therefore consistent with international law;

(h) The Committee requests that the host country continue to bring to the attention of New York City officials reports about other problems experienced by permanent missions or their staff in order to improve the conditions for their functioning and to promote compliance with international norms concerning diplomatic privileges and immunities, and continue to consult the Committee on those important issues;

(i) The Committee recalls that, in accordance with paragraph 7 of General Assembly resolution 2819 (XXVI), the Committee shall consider and advise the host country on issues arising in connection with the implementation of the Headquarters Agreement;

(j) The Committee anticipates that the host country will continue to enhance its efforts to ensure the issuance of entry visas to representatives of Member States and members of the Secretariat pursuant to article IV, section 11, of the Headquarters Agreement to enable persons recruited to serve in the Secretariat or assigned as members of permanent missions to take up their assignment as promptly as possible and to enable representatives of Member States to travel, in a timely manner, to New York on official United Nations business, including to attend official United Nations meetings, and notes that a number of delegations have requested shortening the time frame applied by the host country for the issuance of entry visas to representatives of Member States, since the present time frame poses difficulties for the full-fledged participation of Member States in United Nations meetings; the Committee also anticipates that the host country will continue to enhance efforts to facilitate the participation, including visa issuance, of representatives of Member States in other United Nations meetings, as appropriate. The Committee also remains seized of particular entry visa-related issues raised at its meetings and anticipates that these issues shall be duly addressed in a spirit of cooperation and in accordance with international law;

(k) Concerning travel regulations issued by the host country with regard to personnel of certain missions and staff members of the Secretariat of certain nationalities, the Committee takes seriously recent concerns and urges again the host country to remove the remaining travel restrictions and, in that regard, notes the positions of the affected Member States, as reflected in the report of the Secretary-General, and of the host country;

(l) The Committee stresses the importance of permanent missions, their personnel and Secretariat personnel meeting their financial obligations;

(m) The Committee stresses the need for the permanent missions and the United Nations to benefit from appropriate banking services and anticipates that the host country will continue to assist the permanent missions accredited to the United Nations and their staff in obtaining such services;

(n) The Committee welcomes the participation, in its work, of States Members of the United Nations that are not members of the Committee. The Committee also welcomes the contribution of the Secretariat to its work and emphasizes its importance. The Committee is convinced that its important work has been strengthened by the cooperation of all concerned;

(o) The Committee wishes to reiterate its appreciation to the representative of the United States Mission to the United Nations in charge of host country affairs, to the Host Country Affairs Section of the United States Mission and to the Office of Foreign Missions, as well as to local entities, in particular the Mayor's Office for International Affairs, for their participation in its meetings;

(p) The Committee encourages the Secretary-General to actively engage in accordance with General Assembly resolution 2819 (XXVI) of 15 December 1971 in the work of the Committee with a view to ensuring the representation of the interests concerned;

(q) The Committee appreciates the efforts of the Chair towards addressing issues raised within the Committee and in this regard encourages Member States to avail themselves of his assistance as they deem necessary.

Annex I

List of topics for consideration by the Committee

1. Question of the security of missions and the safety of their personnel.
2. Consideration of and recommendations on issues arising in connection with the implementation of the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations, including:
   (a) Entry visas issued by the host country;
   (b) Acceleration of immigration and customs procedures;
   (c) Exemption from taxes.
3. Responsibilities of permanent missions to the United Nations and their personnel, in particular the problem of claims of financial indebtedness and procedures to be followed with a view to resolving the issues relating thereto.
4. Housing for diplomatic personnel and for Secretariat staff.
5. Question of privileges and immunities:
   (a) Comparative study of privileges and immunities;
   (b) Convention on the Privileges and Immunities of the United Nations and other relevant instruments.
6. Host country activities: activities to assist members of the United Nations community.
7. Transportation: use of motor vehicles, parking and related matters.
8. Insurance, education and health.
9. Public relations of the United Nations community in the host city and the question of encouraging the mass media to publicize the functions and status of permanent missions to the United Nations.
10. Consideration and adoption of the report of the Committee to the General Assembly.

Annex II

List of documents

A/AC.154/411 **Letter dated 21 December 2017 from the Chargé d'affaires a.i. of the Permanent Mission of the Syrian Arab Republic to the United Nations addressed to the Chair of the Committee on Relations with the Host Country**

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